

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2605 of 2007

SUSHIL KUMAR & ANR.

V/S

A.D.J. (F.T.), NO.2, BHILWARA & ORS.

Mr. RK CHARAN & Mr. BS CHARAN, for the appellant /
petitioner

Date of Order : 18.5.2007

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned counsel for the petitioners, perused
the impugned order.

By the application under Order 14, Rule 5 CPC, the
petitioner has suggested framing of two additional issues
being one, as to whether the signatures of defendant No.1 &
2 were obtained on loan documents and other blank forms and
the other issue suggested as to whether the defendants were
ever informed about the status of outstanding amount of the
bank.

The learned trial Court has found, and I also do
feel that the controversy sought to be covered by the first
issue is merely rebuttal of existing issue No.2, however it
is further expressly clarified that the petitioner will be
able to prove the averments sought to be covered by the
proposed issue No.1 by way of rebuttal of Issue No.2.

The learned counsel does not press the other proposed issue.

In that view, I do not find any ground to interfere in the impugned order.

The writ petition is dismissed with the aforesaid clarifications.

(N P GUPTA), J.

/jpa